Supreme Court, U. S.
FILED
SEP 4 1975
MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court of the United States

October Term, 1975

No. 75-190

GREGORY VAN HALL,
Petitioner

versus

THE COMMONWEALTH OF VIRGINIA
Respondent

APPENDIX TO PETITION FOR WRIT OF CERTIORARI TO THE VIRGINIA SUPREME COURT

ROBERT P. DWOSKIN
1224 West Main Street
Charlottesville, Virginia 22903
Attorney for Petitioner

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VIRGINIA: AT A CIRCUIT COURT HELD AND CONTINUED FOR THE COUNTY OF ALBEMARLE, ON THE CRIMINAL LAW SIDE THEREOF, WEDNESDAY, JULY 24, 1974:

PRESENT: HON. DAVID F. BERRY, JUDGE

COMMONWEALTH OF VIRGINIA

VS. INDICTMENT # 2344
Probation violation

GREGORY VAN HALL

On this the 24th day of July 1974, came again the Attorney for the Commonwealth, and Gregory Van Hall, who was heretofore convicted for a felony, to-wit: breaking and entering and was sentenced to confinement in the penitentiary of this Commowealth for a term of two years, the execution of which sentence was revoked by this Court on April 25, 1973, and the defendant having served time in jail until September 14, 1973, at which time the Court further suspended the balance of said sentence, and placed the defendant on probation for an additional three years from September 14, 1973, appeared in Court in person, and likewise appeared E. Gerald Trembley, his attorney.

Whereupon, the defendant appearing because-of a complaint filed by the Probation and Parole Office, that the defendant was in violation of the rules and regulations of said probation, the Court received and considered the evidence of the Probation Officer, and the additional evidence adduced in open Court in the presence of the defendant. The defendant and his counsel were given the right to cross examine fully the probation officer and to present any additional facts bearing upon the matter as they desired to present.

Whereupon, after taking into consideration all the evidence in the case and the argument of counsel, the Court doth ADJUDGE and ORDER that the execution of four months of the balance of the two year sentence originally suspended by this Court be hereby revoked, and that upon the defendant's release from custody he be placed on three years supervised

probation from the date of his release, the conditions of said probation, being the same as stated in the order dated September 14, 1974, and of record in Criminal Law Order Book 7 at page 305.

Whereupon, the defendant by counsel having stated his intention to apply to the Supreme Court of Virginia for a Writ of error, execution of the above judgment is hereby suspended until such time as the Supreme Court of Virginia shall allow such appeal, and if the appeal is granted then the judgment shall be further suspended until final action on said appeal is taken.

The defendant by counsel, moved the Court for bond, said motion being granted, and it is ordered that the bond shall be in the penalty of $2,000.00 cash and $4,000.00 property, the surety to be approved by the Clerk of this Court.

The Court allows the defendant until July 25, 1974, at 10:00 A. M. to make bond or report to the jail of this County.

s/David F. Berry, Judge

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Wednesday the 7th day of May, 1975.

The petition of Gregory Van Hall, sometimes known as Gregory V. Hall, for a writ of error and supersedeas to a judgment rendered by the Circuit Court of Albemarle County on the 24th day of July, 1974, in a certain revocation of probation proceeding then therein depending, wherein the Commonwealth of Virginia was plaintiff and Gregory Van Hall was defendant, having been maturely considered and a transcript of the record of the judgment aforesaid seen and inspected, the court being of opinion that there is no reversible error in the judgment complained of, doth reject said petition, and refuse said writ of error and supersedeas, the effect of which is to affirm the judgment of the said circuit court, which court shall allow court-appointed counsel the sum of $150 as compensation for services rendered on this appeal, and also his necessary direct out-of-pocket expenses.

And it is ordered that the Commonwealth recover of the plaintiff in error the said amount paid counsel appointed to represent him on this appeal, his necessary direct out-of-pocket expenses, the amount paid counsel appointed by the said circuit court to represent the said petitioner therein, his necessary direct out-of-pocket expenses, and the costs to be assessed in this case by the clerk of the said circuit court.

A Copy,

Teste:

Howard G. Turner, Clerk

By: s/Allen L. Lucy

Deputy Clerk